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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
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11 UNITED STATES OF AMERICA,
12 Plaintiff,
13 v.
14 EFREN OCHOA-GEMBE,
15 Defendant.
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Case No.: 09CR2916-JLS

**ORDER DENYING DEFENDANT'S
MOTIONS:**

**1) FOR FSA AND TWO POINT
REDUCTIONS; and
2) TO CLARIFY SENTENCE AND
COMPUTATION UNDER TREATY ART.
VI**

[ECF Nos. 113 and 114]

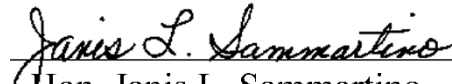
19 Pending before the Court are two motions filed by Defendant Ochoa-Gembe, a
20 prisoner in federal custody. The first motion (ECF No. 113) seeks a two-point sentence
21 reduction pursuant to United States Sentencing Guideline ("USSG") Amendment 821. The
22 Court has previously denied a request by Defendant for a sentence reduction under USSG
23 Amendment 821 because Defendant does not qualify for such relief due to his aggravated
24 role in the offense of conviction. ECF No. 110. Defendant presents no basis for
25 reconsideration of this order, thus Defendant's Motion for FSA and Two Point Reductions
26 is **Denied**.

27 Defendant's second motion (ECF No. 114) requests that the Court "Clarify
28 Sentence and Computation data under Treaty Art. VI." Defendant contends that this Court

1 “still has full jurisdiction on [his] criminal case sentence.” Defendant is incorrect,
2 Defendant’s sentence is final, and the Court lacks the authority to modify it. *See e.g.,*
3 *Dillon v. United States*, 560 U.S. 817, 819 (2010) (recognizing that federal court generally
4 “may not modify a term of imprisonment once it has been imposed” (quoting 18 U.S.C. §
5 3582(c)). Furthermore, this Court lacks the authority to compute Defendant’s sentencing
6 credits, that authority rests with the Bureau of Prisons (“BOP”). *See e.g., United States v.*
7 *Wilson*, 503 U.S. 329, 335 (“After a district court sentences a federal offender, the Attorney
8 General, through the BOP, has the responsibility for administering the sentence.”).
9 Accordingly, Defendant’s Motion to Clarify Sentence and Computation Under Treaty Art.
10 VI is **Denied**.

11 IT IS SO ORDERED.

12 Dated: November 18, 2024

13 
14 Hon. Janis L. Sammartino
15 United States District Judge
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